

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA

1) DUSTIN LANCE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CV-17-378-RAW
	)	<b>JURY TRIAL DEMANDED</b>
1) BOARD OF COUNTY COMMISSIONERS	)	
OF PITTSBURG COUNTY, OKLA.,	)	
2) CHRIS MORRIS, Sheriff of Pittsburg	)	
County, Okla., in his official capacity,	)	
3) MIKE SMEAD, in his	)	
individual capacity,	)	
4) DAKOTA MORGAN, in his	)	
individual capacity,	)	
5) EDWARD MORGAN, in his	)	
individual capacity,	)	
6) STEPHEN SPARKS, in his	)	
individual capacity,	)	
7) MCALESTER REGIONAL HEALTH	)	
d/b/a McAlester Regional Hospital,	)	
8) Gary R. Lee, M.D.,	)	
9) JOEL KERNS, former Sheriff of Pittsburg	)	
County, in his individual capacity	)	
10) DANIEL HARPER, in his	)	
individual capacity	)	
	)	
Defendants.	)	

**DEFENDANTS SHERIFF CHRIS MORRIS, IN HIS OFFICIAL CAPACITY,**  
**DANIEL HARPER AND DAKOTA MORGAN'S**  
**UNOPPOSED MOTION TO CONTINUE SETTLEMENT CONFERENCE**

Defendants Sheriff Chris Morris, in his official capacity, Daniel Harper and Dakota Morgan ("Defendants"), files this Unopposed Motion to Continue the Settlement Conference currently set for Tuesday, January 11, 2022 at 10:00 a.m. before Magistrate Judge Steven Shreder. In support of this Motion, Defendants state as follows:

1. This Court issued a Settlement Conference Order on December 1, 2021 (Doc. 230) setting this matter for a Settlement Conference on January 11, 2022 at 10:00 a.m. before Magistrate Judge Steven Shreder.

2. Previously this matter was litigated and a Settlement Conference was held with this Court on May 7, 2019. Following this conference, Motions for Summary Judgments by the Defendants were granted and an appeal ensued. The matter was reversed and remanded on appeal and the Mandate was issued from the Tenth Circuit Court of Appeals on April 13, 2021 (See Doc. 227). A Joint Status Report was filed by the remaining parties<sup>1</sup> on November 30, 2021 (See Doc. 229). There is no pending Scheduling Order in this case yet, as the matter is set for Settlement Conference before any such deadlines are determined to be necessary.

3. The parties in this case respectfully request a continuance of the Settlement Conference in this case for the reason that the undersigned, lead trial counsel for these Defendants, has become ill and has tested positive this week for Covid 19 and has further been requested by his doctor to quarantine appropriately pursuant to CDC guidelines. For this reason, the undersigned cannot attend a conference next week.

4. The undersigned has communicated with counsel for the co-Defendant, as well as counsel for the Plaintiff and all parties are in agreement to the relief requested herein under the circumstances. All parties do wish to conduct this Settlement Conference, but unfortunate circumstances necessitate this request.

5. Pursuant to the Court's Settlement Conference Order, the deadline to seek an extension for the Settlement Conference was January 5, 2022, however the need for

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<sup>1</sup> Through the process of Summary Judgment and the appeal in this matter, the only remaining defendants are 1) Chris Morris, in his official capacity as the Sheriff of Pittsburg County, Dakota Morgan, Daniel Harper and Mike Smead. All of the other Defendants have been dismissed from this case.

this request is unexpected and the need to quarantine for counsel was not present on that date. This application has been made at the earliest time after learning of the positive test result.

6. The extension of the Settlement Conference in this matter is not sought for the purposes of prejudice or delay, but rather due to the sudden illness of the undersigned counsel for the Sheriff, Morgan and Harper. Further this request will have no effect on any existing deadlines or the trial setting as there are no such deadlines at this time.

WHEREFORE, based upon the above and forgoing, these Defendants file this Unopposed Motion to reset the Settlement Conference in this matter to a new date.

Respectfully submitted,

s/ Michael L. Carr

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*Attorney for Defendant Board of County  
Commissioners of Pittsburg County,  
Sheriff Chris Morris, Dakota Morgan,  
and Daniel Harper*

**CERTIFICATE OF SERVICE**

I hereby certify that on January 6, 2022, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

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